ANDOVER BOARD OF HEALTH Minutes April 9, 2012, 6:00 P.M.

First Floor Conference Room 36 Bartlet Street

The Board of Health Meeting was called to order at 6:00 p.m. Present were Ms. Candace B. Martin, Chairman, Dr. Donald H. Miller, Vice-Chairman, Ms. Katherine Kellman, Clerk, and Mr. Thomas G. Carbone, Director of Public Health.

I. Approval of Minutes

• February 21, 2012

Motion by Ms. Martin, seconded by Ms. Kellman to approve the Minutes of the Board of Health Meeting of February 21, 2012. Dr. Miller abstained. Unanimous approval.

March 12, 2012

Motion by Ms. Martin, seconded by Dr. Miller to approve the Minutes of the Board of Health Meeting of March 12, 2012. Ms. Kellman abstained. Unanimous approval.

II. Appointments & Hearings

• 6:00 p.m. – Sun Son for Boston King Café, Show Cause Hearing (Continued) – Present were Sun Son and one of his employees. Ms. Martin stated that this Hearing was continued from January and the Board wanted to see three months with no critical violations. However, during the inspections performed on 3/2/2012, 3/23/2012 and 4/6/2012, there were still critical issues on each report. (1Mr. Son provided the Board with a copy of the Inspection Report that was performed on 4/6/2012.) Ms. Martin stated that this has been going on for thirteen months and she doesn't see the possibility that there will be any changes in the future. Mr. Son's employee showed the Board a copy of the Inspection Report from today, but the inspection was still showing cleanliness issues, even though there were no critical violations. Mr. Son stated that he realizes that his staff does need more training. His employee stated that he felt the Private Inspector, Michelle Cramm has helped them a lot. Dr. Miller suggested that the restaurant should be shut down for a period of time so that the staff could receive some training. Mr. Son asked that the Board give him another chance and that he would be there at closing every day to make sure all cleaning was completed properly. The Board did not feel that this proposal would be beneficial at this time.

Motion by Dr. Miller, seconded by Ms. Martin, requiring a three-day suspension of the Food Service License for Boston King Café; during that time Mr. Son will utilize that time to get his

¹ The copy of the Inspection Report has been inserted into the packet after page 9.

staff trained by appropriate professionals, continue with monthly private inspections for three months and then return to the Board of Health. Discussion followed.

Ms. Martin stated that she thought three days was generous, and hoped that Mr. Son would make good use of that time for training. Mr. Carbone questioned what would change because the Board worked with Mr. Son to help him with training a year ago by having him hire a Private Inspector and create a cleaning checklist. Ms. Martin stated that Mr. Son should take a good look at his staff and think about who the right people are and to make sure someone is trained when he is away from the restaurant. Dr. Miller stated that there continues to be cleanliness issues and that the Board is out of ideas to rectify the problems without taking more drastic action. Mr. Carbone recommended that the Board ask for specific dates when the restaurant will be closed. Ms. Martin stated that the Board understands that there is inventory and stock that has to be taken into consideration, so Mr. Son should pick a good time next week for the closure.

Motion by Ms. Martin to amend the previous motion to state that Boston King Café will be closed for three days which will be Monday, Tuesday and Wednesday, April 16 through April 18, 2012. The motion was seconded by Ms. Kellman. Mr. Son will be required to come back in three months. Unanimous approval.

• **6:10 p.m.** – **Gayle Wells for 21 Off Webster St.** – **Appeal of Condemnation ORDER** (**Continued**) – Present were homeowner Gayle Wells and Keith Moore who is interested in buying the property. Mr. Carbone explained to the Board that the Title 5 Inspection showed that the septic system was in failure; however the house was empty and the system had not been replaced within the required two years. A Condemnation ORDER was issued and last summer Ms. Wells hired William Dufresne of Merrimack Engineering to design a new system and intended to install it. The Appeal was continued to the March 12, 2012 Board of Health Meeting in the hopes that a new system would be completed by that time. Ms. Wells was not available in March, so the Appeal was continued to tonight.

Ms. Wells informed the Board that Mr. Moore is interested in purchasing the property. Mr. Moore stated that he saw an opportunity, got the plans and came to the Health Division to speak with Mr. Carbone. Mr. Moore has plans to have a Purchase & Sales Agreement in place within 30 days, install the septic system immediately as planned, and do renovations to the house. Ms. Wells stated that she expected to get a closing date within the next two weeks. She hoped to get the Condemnation ORDER lifted so that the house would not be labeled as a condemned property. Ms. Wells stated that if the deal falls through, she would install the septic herself. Mr. Moore stated that he would stay in close contact with Mr. Carbone throughout the process. Dr. Miller stated that if the Board decides to continue the Hearing and the septic gets installed and the Certificate of Compliance is issued, then Ms. Wells would not have to appear and there would be no condemnation of the property.

Motion by Ms. Martin, seconded by Dr. Miller to continue the Appeal of Condemnation Hearing for 21 Off Webster St. to the Board of Health Meeting on July 9, 2012, with the requirement that

status updates be provided and that the septic system upgrade work will be completed by that date. Unanimous approval.

• 6:15 p.m. – Susan Odle for 116 Osgood Street – Show Cause Hearing – Mr. Carbone explained that at the last Board of Health Meeting, the Board continued the Show Cause Hearing until this month with the hope that Ms. Odle's lawyer would get in touch with Town Counsel; however Town Counsel has not heard from anyone. Ms. Odle called Mr. Carbone on Friday and said she wanted the Board's understanding that she will clean up the property. However, Mr. Carbone has not seen any improvement in the property at all. Ms. Martin stated that she wanted to ask for Board of Selectmen support to take this to court. The Michael Way property now is clean enough to have the Condemnation ORDER lifted, but the Condo Association was able to take Ms. Odle to court and clean up the property for her, while the Board of Health would have to pursue taking Ms. Odle to court for the Osgood Street property.

Motion by Ms. Martin, seconded by Dr. Miller, to seek legal counsel to enforce the ORDERS for correction of violations. Unanimous approval.

- 6:30 p.m. Susan Big for 49 School Street, Hearing to consider Condemnation
- 6:30 p.m. John & Christina Christoforo for 51R School Street, Hearing to consider Condemnation

Attorney Andrew Caffrey was present and informed the Board that the waterline has not been installed yet, but the hydrant line has been replaced. Both Ms. Big and Mr. and Mrs. Christoforo have engaged F. P. Reilly and Sons and the proposals have been accepted and submitted to the Health Division. Mr. Carbone provided three copies of the contract proposals to the Board; one for both parties, one for 49 School Street, and one for 51R School Street. The paperwork still has to be signed by the Archdiocese, and their Attorney has stated that they will sign the paperwork. The work is scheduled to begin on Monday, April 16th, and Attorney Caffrey was hoping to have the Hearing continued for another month, and if the work is completed before then, he requested to not have to appear before the Board. The Board agreed.

Motion by Dr. Miller, seconded by Ms. Kellman, to continue the Hearing for 49 and 51R School Street to the regularly scheduled Board of Health Meeting on May 7, 2012. Unanimous approval.

III. Discussion

• N/A

² The copies of the contracts have been inserted into the packets after page 23.

IV. Old Business

- **Kirkland Drive Update** (**Not on Agenda**) Ms. Martin asked Mr. Carbone if there was any update on the condition of the property at Kirkland Drive, and Mr. Carbone stated that he had no update at this time.
- Camp Update (Not on Agenda) Mr. Carbone confirmed to Ms. Martin that the renewal letters had gone out for camps for the 2012 season.
- Inspections at Chili's Concerning Grease Trap Issues (Not on Agenda) Ms. Martin asked Mr. Carbone about the issue with grease trap problems and if there was a fine issued because the grease was found in the sewer line. Mr. Carbone replied that there is no fine, just the cost of them cleaning up the grease trap and the line. Mr. Carbone explained that Chili's was not the only restaurant having issues, and that there were problems with internal traps as well. Mr. Carbone sent an e-mail to the Barnstable Health Department Health Director because he believes they use software that could allow us to go totally online with a tracking system where pumpers could file their pumping records online. The system may actually send reminders and automatically generate letters if pumping is not done in the required time. Another option would be to look into a contract with MVPC to set up and host a server for the region. He contacted Marc Labbe at ViewPermit and Marc thought that it could be done on our system in the future. Marc was going to check with his Engineer to see if that can be done. It would take time to locate where all the grease traps are, but after that is done, using the software would be a savings for the pumpers also. They could enter the data electronically and then access the data base by Town/City.

Concerning the grease trap issue, the restaurants were not pumping their grease traps when they were supposed to, so the grease then backed up into the sewer line. The restaurants either forgot to pump, didn't realize they had one, or didn't want to spend the money because it can be very costly. Exterior grease traps should be cleaned quarterly. There have been times when grease traps that back up the sewer line cause sewer to back up into other businesses and it takes a lot of time and money to clean things up. Mr. Carbone will be setting up a meeting with the Town Manger and DPW to talk about this issue because it also takes a lot of time and money to check these problems out.

V. <u>Definitive Subdivision Plans</u>

• N/A

VI. Plan Review

N/A

VII. Staff Reports

A. Director's Reports:

• Important Dates:

- ° April 17, 2012 from 10 a.m. to 12 p.m. Commissioner of Public Health Regional Dialogue @ Lowell General Hospital.
- ° April 30, 2012 and May 1, 2012 Annual Town Meeting
- ° May 7, 2012 at 6 p.m. Board of Health Meeting
- May 9, 2012 at 7 p.m. Presentation/Discussion of Graded Food Service Inspections
- ° May 24, 2012 at 1 p.m. EDS Audit with MDPH
- ° June 4, 2012 at 6 p.m. − Board of Health Meeting
- B. **Nurses' Reports for March, 2012** The Nurses' Reports for March, 2012, were for informational purposes only.
- C. **Inspectors' Reports for March, 2012** The Inspectors' Reports for March, 2012 were for informational purposes only.

VIII. Board Member Reports

• N/A

IX. Adjournment

Motion by Dr. Miller, seconded by Ms. Kellman, to adjourn at 6:45 p.m. Unanimous approval.